

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ELVIN HESKEY,

Defendant.

INFORMATION

23 Cr. 596

COUNT ONE

(Possession of Child Pornography)

The United States Attorney charges:

1. In or about March 2023, in the Eastern District of New York and elsewhere, ELVIN HESKEY, the defendant, being a person who has a prior conviction under chapter 110 of Title 18, knowingly possessed and accessed with intent to view a book, magazine, periodical, film, videotape, computer disk, and other material that contained an image of child pornography that had been mailed, shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, HESKEY possessed sexually explicit images of minors, including videos of prepubescent minors and minors who had not attained 12 years of age, on a cellular phone and SD memory card located in Queens, New York.

(Title 18, United States Code, Section 2252A(a)(5)(B) and (b)(2).)

FORFEITURE ALLEGATION

2. As a result of committing the offense alleged in Count One of this Information, ELVIN HESKEY, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253, any and all property, real and personal, constituting or traceable to gross profits or other proceeds obtained from said offense and any and all property, real or personal, used or intended to be used to commit or promote the commission of said offense or traceable to such property, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense and the following specific property:

a. A blue Samsung cellular phone that was seized from HESKEY's residence on or about March 25, 2023.

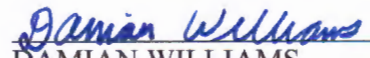
Substitute Assets Provision

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 2253;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


DAMIAN WILLIAMS
United States Attorney